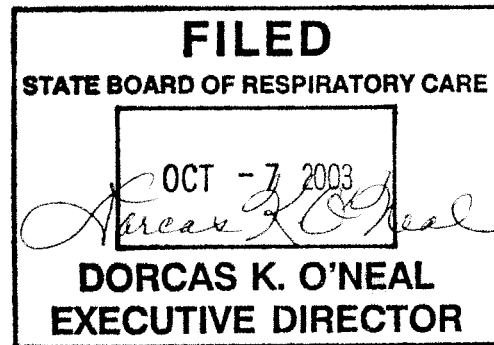


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF RESPIRATORY CARE

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Edwin Bernal
License No.: ZA 03561

TO PRACTICE RESPIRATORY CARE
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Respiratory Care ("Board") upon receipt of information that Edwin Bernal, RRT was indicted for offensive touching, a petty disorderly person's offense, stemming from an incident at Passaic General Hospital in November 2001. On February 26, 2003, Mr. Bernal was convicted of offensive touching in Passaic Municipal Court after a bench trial at which testimony was provided only by Mr. Bernal and the alleged victim. There were no witnesses to the alleged offensive touching which appeared to entail a touching of the patient's abdominal area.

Mr. Bernal testified before the Board on April 1, 2003 at which time the Board questioned him extensively regarding the

underlying incident. Consistent with his testimony in the criminal matter, Mr. Bernal denied the conduct. Mr. Bernal also admitted that he did not indicate the then pending criminal action when he completed and signed his 2002-2004 Biennial Renewal Application. At the time he appeared before the Board, Mr. Bernal was not employed as a respiratory therapist and testified that he had not been employed as a respiratory therapist since November 2001.

Subsequently, at the Board's request, Mr. Bernal voluntarily agreed to continue to refrain from respiratory care employment until such time as this administrative matter was resolved and voluntarily underwent a psychological evaluation by a Board approved psychiatrist. By way of written report dated June 23, 2003, the psychiatrist opined that the probability of sexually deviant paraphilic behavior is remote and stated that there is no clinical evidence to suggest any significant psychiatric psychopathology.

Respondent being desirous of resolving this matter and the Board having considered Mr. Bernal's testimony and all relevant documentation submitted and finding that the within Order is adequately protective of the public health, safety and welfare,

IT IS on this 7th day of October, 2003

ORDERED that:

1. Edwin Bernal, RRT is hereby reprimanded for engaging in activity and being convicted of a crime relating adversely to the

activity regulated by the Board in violation of N.J.S.A. 45:1-21(f).

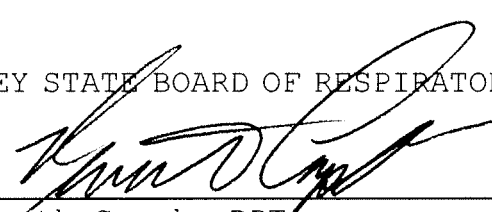
2. Edwin Bernal, ~~RPT~~^u is hereby reprimanded for falsification of the biennial renewal application in which he failed to report the aforementioned then pending criminal action in violation of N.J.S.A. 45:1-21 (b).

2. Edwin Bernal, ~~RPT~~^u is hereby suspended for a period of three (3) months, such suspension will be stayed provided Respondent complies with all the terms and conditions contained herein.

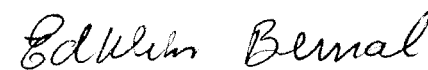
5. Edwin Bernal, ~~RPT~~^u shall pay a civil penalty in the amount of \$250 by check or money order made payable to the New Jersey Board of Respiratory Care and mailed to: New Jersey Board of Respiratory Care, P.O. Box 45031 Newark, N.J. 07102.

NEW JERSEY STATE BOARD OF RESPIRATORY CARE

BY:


Kenneth Capek, ~~RPT~~
Chairman

I have read and understand
the above Order and I agree
to abide by its terms.


Edwin Bernal, RPT

